

DOCKET NO: 198966US28



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
CHARLES E. SIGLER, JR. ET AL. : EXAMINER: WORJLOH, JALATEE
SERIAL NO: 09/715,176 :
FILED: NOVEMBER 20, 2000 : GROUP ART UNIT: 3621
FOR: COMPUTER-IMPLEMENTED :
SECURITY SYSTEM AND METHOD :

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW
THE HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(with EXHIBITS A AND B)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Pursuant to 37 CFR 1.181(a) and MPEP 711.03(c). I. A., Applicants, through counsel, respectfully request that the holding of abandonment for the above-identified application be withdrawn as the Official Action mailed on June 27, 2005, and the Notice of Abandonment mailed by the Patent Office on January 23, 2006, were never delivered to any entity. The facts concerning this matter are as follows:

On or about March 12, 2006, Megasoftware Consultants, Inc. (hereinafter "Megasoftware") acquired the rights to Application No. 09/715,176 from the prior owner of the application, eCognito, Inc. (hereinafter "eCognito"). However, by March 12, 2006, the application was already considered abandoned by the PTO due to a failure to respond to the Office Action of June 27, 2005.

The file history of the application indicates that both the Office Action mailed June 27, 2005, and the Notice of Abandonment mailed January 23, 2006 were both returned to the USPTO because they could not be delivered by the US Post Office. See the Attached Exhibits A and B.

On September 8, 2003, the PTO approved the withdrawal of the law firm of Oblon Spivak McClelland Maier & Neustadt as attorneys of record for this application, and the new mailing address for PTO communications became:

eCognito, Inc.
515 Duke Street
Suite 330
Alexandria, VA 22314.

On January 24, 2007, the current assignee of this application, Megasoft, asked the undersigned to determine the status of the application.

On January 25, Megasoft provided evidence of ownership of the application to the undersigned.

On or around January 29, 2007, the undersigned requested a staff person within his firm to obtain a copy of the file history of the application from the USPTO.

On January 29, 2007, the current assignee was requested to execute a Power to Inspect and Make Copies in order to obtain a complete copy of the file history.

On February 5, 2007, the executed Power to Inspect and Make Copies was received from Megasoft.

On February 8, 2007, the undersigned received a copy of the file history. This was when the undersigned became aware that the application was currently considered abandoned due to a failure to respond to the office action of June 27, 2005.

On February 8, 2007, the undersigned informed Megasoft of the abandonment.

The current assignee, the past assignee, the attorneys of record and the undersigned were all unaware of the Official Action mailed on June 27, 2005, and the Notice of Abandonment mailed by the Patent Office on January 23, 2006, as they were never delivered to anybody or any entity, as evidenced by Exhibits A and B.

The undersigned has reviewed his firms file on this matter and docket system when determining the status of this application. Of course, neither the Official Action mailed June 27, 2005 nor the Notice of Abandonment mailed January 23, 2006 were in any file or in the docket system of the undersigned, as the official PTO file history indicates that both pieces of mail were returned to the PTO as being non-delivered.

A response to the Official Action mailed June 27, 2005 is being filed with this Petition.

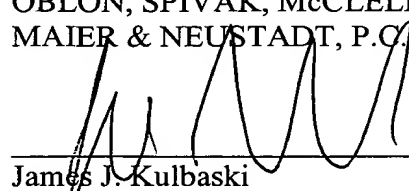
In light of the foregoing and the documents attached hereto being submitted in support of this request, the holding of abandonment of this application should be withdrawn, and the restoration of this application to the pending files and an examination of the application on its merits is earnestly solicited.

The undersigned petitioners declare further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

It is believed that no fee is required for this petition. However, if a different position is taken the Patent Office is authorized to charge our deposit account no. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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Exhibit B

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Exhibit A



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**SINGLE ASSIGNEE
CASE SPECIFIC POWER OF ATTORNEY**

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM and STATEMENT UNDER 37 CFR 3.73(b)	Application Number	09/715,176
	Filing Date	November 20, 2000
	First Named Inventor	Charles Edward SIGLER, et al.
	Title: COMPUTER-IMPLEMENTED SECURITY SYSTEM AND METHOD	
	Attorney Docket Number: 198966US8	

I hereby appoint:

☒ Practitioners associated with the Customer Number

22850

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

I am the:

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Megasoft Consultants, Inc.

(Name of Assignee)


, a Corporation

(Type of Assignee, e.g., corporation, partnership,
government agency, etc.)

☒ States that it is the assignee of the entire right, title, and interest. A copy of the assignment is attached.

SIGNATURE OF ASSIGNEE OF RECORD

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

Vijay K. Tanamala
Printed or Typed Name

President
Title

03/12/07
Date

703-793-0101
Telephone Number

THIS FORM CAN ONLY BE SIGNED WHERE THERE IS ONLY A SINGLE ASSIGNEE